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In re Application of :
Jan Hall et al. :
Application No.: 09/980,011 : DECISION ON
PCT No.: PCT/SE00/01027 :
Int. Filing Date: 31 May 1999 : PETITION
Priority Date: 23 May 2000 :
Attorney's Docket No.: 21547/0286 : UNDER 37 CFR 1.137(b)
For: IMPLANT, METHOD FOR PRODUCING :
THE IMPLANT, AND USE OF THE IMPLANT :

This decision is in response to applicants' "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 22 October 2003.

BACKGROUND

In a decision from this Office on 07 October 2003, the renewed petition filed on 26 August 2002 was dismissed. The decision stated that the application was properly abandoned for failure to pay the full U.S. Basic National Fee by 30 months.

On 22 October 2003, applicants filed the instant petition under 37 CFR 1.137(b).

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

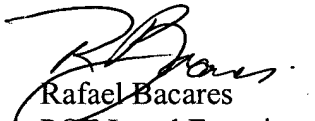
Petitioner has provided: (1) the proper reply by authorizing on 07 March 2002 to recharge the deposit account and having sufficient funds in the deposit account on 15 May 2002 when the Office charged it for the Basic National Fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371 date of this application is **07 March 2002**.


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